IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Revision No.2262 of 2006
Date of decision: January 29, 2007.

Subhash Chander

...**Petitioner(s)**

v.

State of Haryana

...**Respondent(s)**

Present: Shri S.P. Chahar, Advocate for the petitioner.

Shri Ravi Dutt Sharma, Dy. Advocate General, Haryana for the respondent.

Surya Kant, J. (Oral)

This revision petition is directed against the judgment and order dated 18/19 November, 2004 passed by the learned Judicial Magistrate First Class, Meham as well as the judgment and order dated 16 October, 2006 passed by the learned Additional Sessions Judge, Rohtak, respectively, whereby the petitioner has been convicted to undergo six month rigorous imprisonment under section 323/34 IPC and one year with fine of Rs.500/- under section 325/34 IPC

On November 7, 2006, this revision petition was not pressed so far as the petitioner's conviction is concerned. Notice of motion was, however, issued with regard to quantum of sentence only.

As per the prosecution case, the petitioner had caused injuries to Baba Bajrang Dass while he, along with his companion, was sleeping in the *Dera*. It appears that the petitioner caused injuries in a spur of moment as some cows, which actually did not belong to the complainant, had damaged the crops standing in petitioner's fields.

It is not denied by Learned State Counsel that this is the solitary offence ever attributed to the petitioner who has not been tried or convicted in any other criminal case.

The manner in which occurrence took place, and from the past and the present conduct of the petitioner, it does appear that he is not a man with criminal bent of mind. It is stated that the petitioner is quite repentant and is willing to give an undertaking of good behaviour in future.

After hearing Learned Counsel for the parties and having regard to all the attending circumstances, this petition is partly allowed to the extent that while the sentence awarded to the petitioner under section 323/34 IPC is maintained, the sentence awarded to him under section 325/34 IPC is reduced to six months rigorous imprisonment from one year. However, the amount of fine is enhanced from Rs.500/- to Rs.5,000/-. The enhanced amount of fine shall be deposited by the petitioner within three months failing which he will be required to undergo additional sentence of RI of 2 months. The entire amount of fine shall be paid to the complainant – Baba Bajrang Dass, if recovered.

January 29, 2007. [**Surya Kant**]
kadyan **Judge**